IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 9033 of 1998

Between:

Dilip Kumar, S/o late Sri Jaganath Peshwari,
R/o 4-3-476 to 479, Gulbargh, Bank Street, Hyderbad.

..... PETITIONER

AND

1 Radha Krishna Reddy,
R/o 103, Opp Shimhadri Apts., Red Hills, Hyderabad.
2 The Commissioner, Excise Dept., Opp Hyderabad District,

Opp Ghandhi Bhavan, M.J.Road, Hyd.
3 The Prohibition and Excise Superintendent, Hyderabad District,
M.No.112, Opp Sai Kishore Cinema, Narayanaguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate Writ, order or direction, more particularly one in the nature of writ of mandamus to res.No.2 & 3 not to sanction or grant licence for running the liquor business in shop bearing premises No. 5-4-424 and 5-4-423/1, Station Road, Nampally, Hyderabad and further in case the licence is granted for running the liquor business in premises bearing No.5-4-423 and 5-4-423/1, Station Road, Nampally, Hyderabad and consequently suspend the sanction or licence so granted by declaring it to be void invalid, arbitrary and without sanction of law

Counsel for the Petitioner: MS.ANITA AHUJA

Counsel for the Respondent Nos.2 and 3: GOVT. PLEADER FOR PROHIBITION AND EXCISE

The Court made the following :

ORDER:

When the matter is listed for hearing on 4.4.2005, none appears for the petitioner and, therefore, it is posted today for dismissal. Even today also, there is no representation on behalf of the petitioner.

Respondents 2 and 3 are already directed not to grant licence for running liquor shop to the first respondent in the premises, in question, on the ground that there is no consent letter from the owner of the land. As per the A.P.Excise Act, 1968 and the rules framed thereunder, no licence shall be granted in premises without the consent of the owner.

Having regard to the facts and circumstances of the case, I am of opinion that no licence is issued in the instant case and, therefore, the subject matter of the writ petition has become infructuous.

The writ petition is, accordingly, dismissed as infructuous. No order as to costs.

_____

(V.ESWARAIAH, J.)

11.4.2005

kpr

To

1. The Commissioner, Excise Dept., Opp Hyderabad District,

Opp Ghandhi Bhavan, M.J.Road, Hyd.
2. The Prohibition and Excise Superintendent, Hyderabad District,
   M.No.112, Opp Sai Kishore Cinema, Narayanaguda, Hyderabad.

3. 2 copies to the Govt. Pleader for Prohibition & Excise,

High Court buildings, Hyderabad.

4. 2 C.D. copies